

1 they're not duplicated in order but they just -- they're just  
2 sort of randomly being sent out over the 152.48 frequency.  
3 Correct?

4 MR. HARDMAN: Your Honor, I object to the  
5 characterization. That was not Mr. Blatt's testimony and I  
6 asked him very specific questions about that. He said  
7 although not every page was duplicated, the sequence was  
8 maintained on the pages that were duplicated. That was very  
9 specifically his testimony.

10 MR. JOYCE: He's right.

11 MR. PETERS: That's, that's what I remember of Mr.  
12 Blatt's testimony.

13 BY MR. JOYCE:

14 Q Mr. Hardman's quite right and I appreciate the  
15 clarification. These Capitol pagers are going out certainly  
16 in order, but --

17 A Okay. They come from anywhere in that list.

18 Q Yeah. They just -- I mean, some of these are RAM  
19 pages that are going out properly.

20 MR. HARDMAN: Your Honor, I object. That's not been  
21 established.

22 MR. JOYCE: Well, some of these are --

23 MR. HARDMAN: How could it be a RAM page if it's  
24 152.51? RAM does not --

25 MR. JOYCE: I appreciate that. These other

1 communications are simply other 152.48 communications? Is  
2 that fair to say?

3 MR. HARDMAN: Your Honor, he's pointing to the  
4 152.51 document.

5 BY MR. JOYCE:

6 Q Oh, I'm doing it backwards. I'm sorry. That's the  
7 confusion.

8 A The thick document is No. 17.

9 Q That's right. That's right. The thick document,  
10 that represents Capitol's transmissions?

11 A On 152.51.

12 Q Private Radio Bureau Exhibit No. 17 on 152.51.

13 A Yes.

14 Q That's correct.

15 A Yes.

16 Q Okay. And I apologize for the confusion. But the  
17 same thing is happening, although I confused you because I  
18 reversed the order of the transmitters. You go through here  
19 and on the second page a couple of Capitol pagers are  
20 identified and the time is -- well, the date is October 28,  
21 1992. Do you see that?

22 A I see 10/28/92.

23 Q Right. And the time is -- my military time is not  
24 great. That's 4:30?

25 A 1630?

1 Q Right, so that would be 4:30 in the afternoon?  
2 A I don't know. Let's call it 1630.  
3 Q Isn't that 4:30 in the afternoon?  
4 A I don't see anything on 1630 at all.  
5 Q 16:30:54. What time of day is that?  
6 A 4:30 and 54 seconds.  
7 Q That's what I thought, yeah, 4:30. Okay.  
8 A But I don't see that.  
9 Q Oh, I'm sorry.  
10 MR. HARDMAN: Your Honor, again, I believe you're  
11 referring to different documents.  
12 BY MR. JOYCE:  
13 Q Are you looking at Bureau Exhibit No. 17, page 2?  
14 A No, no.  
15 Q Oh, I apologize.  
16 A Okay.  
17 Q Do you see that page 2?  
18 A Okay. I've got 4:30:54, 16:30:64. Okay?  
19 Q Okay. And it's got a cap code number there, 002582.  
20 Do you see that?  
21 A Yes.  
22 Q All right. It says alphanumeric so it's got a  
23 unique telephone number?  
24 A Yes.  
25 Q Now, if you'll look on Bureau Exhibit No. 16 which

1 is a report of the transmissions on 152.48 on the first page

2 --

3 A Okay.

4 Q -- you go down 1, 2, 3, 4 cap codes and you see that  
5 same one, right?

6 A 4 cap codes? Yes.

7 Q Okay? But now look what happens here. The -- now,  
8 you were saying, I thought, in your testimony that somebody  
9 could duplicate and resend an entire batch of pages. Is that  
10 not what you were saying?

11 A No. I said that the, that the -- that what came in  
12 on 152.51 -- it was obviously being transmitted by Capitol  
13 because that's their frequency, but what came into this little  
14 tabletop arrangement that I was trying to discuss was -- could  
15 be manipulated in any way that you wanted --

16 Q Sure.

17 A -- and it could be done in a random manner. The  
18 order could be inverted. I mean, there are just endless  
19 possibilities of what could be done with a little PC and it  
20 could be done very quickly. I mean, it wouldn't take -- we're  
21 not talking about having a signal come in and delay, although  
22 it could be delayed.

23 Q Sure.

24 A It could be delayed any random length of time.

25 Q But this is what I have trouble with, Mr. Peters,

1 | because if we look at the times here, you've got 4:30:54 and  
2 | then on Bureau Exhibit No. 16 it's just a minute-and-a-half  
3 | later, right, 16:31:35?

4 |       A     Yes.

5 |       Q     Now, not only has that page gone out in a minute  
6 | from Capitol's transmitter to RAM's, but the saboteur has also  
7 | deleted the next page that shows up on Capitol's report. Do  
8 | you see that?

9 |       A     Where are you?

10 |       Q     If you go back to --

11 |       A     No, just give me the exhibit number.

12 |       Q     No. 17.

13 |       A     Yeah. The next one in the, in the --

14 |       Q     Right. The next one in that series is 0500930. Do  
15 | you see that?

16 |       A     Yes.

17 |       Q     Okay. Now, the saboteur has deleted that, hasn't  
18 | he?

19 |       A     No, no. The computer has deleted that. The  
20 | saboteur has programmed it in my scenario.

21 |       Q     But he --

22 |       A     The computer's doing this. Sure. It's randomly  
23 | selecting whatever you program it to select.

24 |       Q     This person has come up -- has invented a program  
25 | that managed to identify the second page that went out that

1 day on Capitol's system at -- the next page that went out that  
2 day? This program has identified that, right, and deleted  
3 that one?

4 A It's rejected the next page that came in. That's  
5 not a, that's not a --

6 Q Okay.

7 A -- brain surgery type of thing.

8 Q Okay. And then it sent the next one, but then it  
9 skipped 2, 3, 4, 5, 6, 7 more until we got to the next Capitol  
10 pager that shows up on 152.48. Do you see that?

11 A I presume that all of these are Capitol pagers, that  
12 this entire sequence that you're talking about are Capitol  
13 paging, and what you're talking about is that just random  
14 pages were pulled out of that sequence, that chain of paging,  
15 and transmitted on 152.48.

16 Q But doesn't it seem, Mr. Peters, that the easiest  
17 way to do that is if I'm in Capitol's office and I'm sitting  
18 at their terminal and I got this simple menu that comes up on  
19 the screen and tells me here's all you have to do, pick four  
20 numbers, enter your chain command, enter the designation for  
21 that chain and blip, the terminal does it automatically. It  
22 goes out on my RCC channel and then it also gets chained over  
23 to 152.48. Wouldn't that be the easiest way to do this?

24 A There may -- it may be easier to do four of them  
25 like that, but there are two problems with your scenario. One

1 is that it would probably go out almost identically -- at the  
2 same time on both channels. I mean, one would follow the  
3 other. That terminal would spit them out very quickly on both  
4 152.48 and so on.

5 Q But allowing for the fact that RAM Technologies also  
6 has pagers in the queue.

7 A Yeah.

8 Q Correct?

9 A Yeah.

10 Q So that it wouldn't be -- there would be a little  
11 bit of a delay and isn't that what Ray Bobbitt said last week?

12 A I don't know about a little bit of a delay. What  
13 does that mean?

14 Q Well, he said it could, it could vary. I mean, it  
15 could be, it could be 15 seconds. It could be a couple of  
16 minutes depending on how many pages are stored up in the  
17 queue. Didn't he say that?

18 A Yeah. Let me, let me tell you my second -- I gave  
19 you one reason. The second reason is by this time Capitol had  
20 been served a Notice of Apparent Violation. Trust me when I  
21 tell you they would realize that the FCC would be monitoring  
22 their transmissions and traffic and everything else and would  
23 be scared to death to do anything like this. Now, that's my  
24 judgment on knowing these people. Okay?

25 Q I appreciate that, Mr. Peters. Let me, let me

1 follow that thought if I could, though. Now, you don't know  
2 whether or not the FCC has Hark verifiers, do you, Mr. Peters?

3 A I have no idea.

4 Q Okay. You don't know whether or not the FCC field  
5 engineers actually had the opportunity to go out and conduct  
6 these studies, do you?

7 A I don't know that they were or were not in the area.  
8 I'm just saying that the mentality there is one of fear.

9 Q I know. But you must concede that if you did this  
10 in the terminal the way I suggested it might have been done  
11 that unless you're out there in the field with two side by  
12 side Hark verifiers that would give you a printout to make --  
13 let you do that comparison, it would be pretty darn difficult  
14 to detect, wouldn't it?

15 A Oh, yeah. I mean, yes, there's no way to detect it  
16 without some kind of channel decoder.

17 MR. JOYCE: I have no further questions.

18 JUDGE CHACHKIN: How much does the Bureau have? Do  
19 you have any idea?

20 MS. FOELAK: Maybe -- well, at least 15 minutes.

21 JUDGE CHACHKIN: All right. We could take -- let's  
22 take a five minute break. Then -- we're going to finish with  
23 this witness' testimony. If we have to run a little late,  
24 we'll run a little late.

25 MR. PETERS: Thank you, Your Honor. I really



1 appreciate it.

2 JUDGE CHACHKIN: We'll just take a five minute break  
3 and then we'll come back and finish up.

4 (Whereupon, a brief recess was taken from 3:53 p.m.  
5 until 4:01 p.m.)

6 JUDGE CHACHKIN: Back on the record. Please be  
7 seated. Back on the record. Let's proceed.

8 CROSS-EXAMINATION

9 BY MS. FOELAK:

10 Q Mr. Peters, the term front porch has been used. Can  
11 you give us -- tell us what it is?

12 A I had to ask myself. I'm not familiar -- too  
13 familiar with the term, but, but I have really heard it in my  
14 lifetime. I just didn't understand it. Some forms of paging  
15 in coding require what they call a preamble so you send out  
16 some information ahead so that the pagers can get locked up or  
17 synced onto what's coming next and then the addresses for the  
18 pagers are sent and sometimes they refer to this preamble as a  
19 front porch.

20 Q So this would be like a preamble to a whole batch of  
21 digital paging units, something like that?

22 A That's correct. So you do know.

23 Q Well, I know what preamble would be. I didn't know  
24 what front porch was.

25 A Yes.

1 Q In fact, I thought it was maybe something different.  
2 Okay. Okay. You made reference in your testimony at page 4  
3 of your prior -- a prior relationship with Capitol and you  
4 also testified orally that Capitol would contact you at times  
5 if there was something wrong with their -- if they had some  
6 problem.

7 A Yes.

8 Q Did they contact you at any time to check out this  
9 retransmission problem?

10 A No. I hadn't heard anything about the forms of  
11 interference at all until I read the testimony and by that  
12 time I think virtually all documents had been turned in.  
13 There may have been one or two that still hadn't been turned  
14 in, but at that time I -- most of the case had been submitted.

15 Q All right. There was some discussion of your fee  
16 which I certainly won't delve into, but in view of the fact  
17 that they called you in from time to time when they had  
18 perhaps a problem, would it be fair to say that if they had  
19 gotten in trouble with the FCC from such a problem that they  
20 might have a tendency to blame you?

21 A They might have a tendency to blame me? If --  
22 perhaps if I had given them advice that was contrary to  
23 something that they may have been cited for, they probably  
24 would.

25 Q Okay.

1           A     I've never been blamed before, so I don't know how  
2 to answer that question.

3           Q     Okay. I'd like to direct your attention to page 6  
4 of your direct testimony in reference -- you know, just in  
5 reference to the motives that an RCC might have for applying  
6 for a PCP. You make reference to the possibility of a rate  
7 hearing for a common carrier in a particular state. Do you  
8 know for a fact that that's what would happen in West  
9 Virginia, that there'd be some sort of hearing that would go  
10 on for months or whatever?

11          A     A little background. I used to testify frequently  
12 at rate hearings. That was one of my -- and that was back 10  
13 or 15 years ago before states started deregulating RCCs and it  
14 is my understanding that West Virginia still regulates its  
15 RCCs and I have been at a -- appeared as a, as a witness in  
16 West Virginia for Capitol, on behalf of Capitol, but at that  
17 time I don't believe -- it wasn't a rate hearing, but I  
18 believe that in the limit if somebody objected to change in  
19 rates or somebody discovered that they were charging not what  
20 their tariff said, there could well be an investigation and a  
21 rate hearing, and a rate hearing to change the schedule if  
22 somebody objected to that.

23          Q     Do you recall when that was, whether, you know, it  
24 was a number of years ago or whatever?

25          A     It was. It was. It was probably three or four or

1 five years ago. The PSC work? Yes, four or five years ago.  
2 I'm not sure precisely.

3 Q Okay. Moving down the page, you make mention of the  
4 advantages of a PCP carrier and you say there's unrestrictive  
5 movement with respect to prices, transmitter locations and  
6 state regulatory agencies. Surely, you didn't mean to say  
7 that you could move transmitter locations without the FCC's  
8 permission?

9 A Oh, not at all. Do you need the embellishment  
10 there?

11 Q No, no, no. I just --

12 A Okay.

13 Q Just trying to clarify that.

14 A Not at all.

15 Q Okay. There's been some discussion about -- you  
16 know, that you would recommend 152.480 as the best frequency  
17 for them to have applied for. Theoretically, if you had known  
18 or believed that there was congestion or, you know, really a  
19 great deal of use of the frequency, would you have still  
20 recommended 152.480?

21 A Well, that's a difficult question.

22 Q Which is not to say that, you know, it's an  
23 exclusive -- it can never be an exclusive, you know,  
24 frequency.

25 A Since at the time that Capitol applied there was

1 | only that one frequency, I think at that time I would have  
2 | recommended that frequency on the power basis alone,  
3 | notwithstanding the -- to me the business aspect of it is not  
4 | nearly as important as getting that power out to the pagers  
5 | that they want to serve. Had there been -- had both those  
6 | frequencies been at full power, what I call full power, the  
7 | authorized maximum, I probably would have told them that both  
8 | frequencies are available but you have networking on one and  
9 | you don't on the other, is probably the way I'd put it. I  
10 | wouldn't have recommended a specific choice.

11 |       Q     And you're aware that, that the power was increased  
12 | on 157.740 during the pendency thereof?

13 |       A     Yes. Yes.

14 |       Q     Okay. Turning to page 10, you mention the irregular  
15 | terrain in Charleston with numerous valleys and say that more  
16 | than one transmitter might be required. Do you know how many  
17 | transmitters Capitol's PCP had to cover Charleston?

18 |       A     Yes, just one.

19 |       Q     Do you know how many transmitter sites their RCC has  
20 | in the Charleston area?

21 |       A     Subject to check, I believe that they have four  
22 | transmitters that overlap the Charleston vicinity at the  
23 | present time but, again, I'd have -- really have to go back to  
24 | my records.

25 |       Q     Several anyway?

1           A     They have -- yes. They have certainly more than one  
2 and their Nease Drive site where this transmitter was  
3 installed has been their most successful site for paging into  
4 downtown Charleston.

5           Q     Okay. You discuss, you know, various factors that  
6 would impact on the right place to put a channel monitor, a  
7 busy monitor. Would your advice change or, you know, would  
8 you advise them to tweak the location if, if a licensee -- a  
9 client was getting complaints of interference?

10          A     Yes, if it had been reported to me that there --

11          Q     Of course. Of course.

12          A     Yes.

13          Q     Okay. Did they, by any chance, discuss any problem  
14 with you that they'd had complaints of interference before --  
15 I mean, before this proceeding started, but during -- while  
16 they were operating their station?

17          A     No. I, frankly, didn't even remember or know that  
18 they had a PCP operation. I may have been informed at one  
19 point, but I certainly didn't remember. I wasn't involved in  
20 this at all.

21          Q     Okay. Turning to page 12, you've probably already  
22 answered this question, but you discuss some difficulties with  
23 a wire line connection as a method of avoiding interference.  
24 Did Capitol ever ask your advice on whether it would be a good  
25 idea to have the wire line connection in their relationship

1 with RAM?

2 A They did not.

3 Q On page 13, further discussing the wire line  
4 connection, you mention that it's time consuming and  
5 expensive. Do you know how expensive it would have been for  
6 Capitol or how time consuming?

7 A I believe that what I was doing in my testimony at  
8 this point is I had sort of made up a hypothetical that began  
9 on the previous page and indicated that, that there may be a  
10 -- an adequate method of using a telephone line. I do not  
11 know the exact cost but I know it's a per mile charge. I did  
12 not know the relationship between RAM and the long distance  
13 service that they had referred to so I wouldn't have had any  
14 recommendations to make according -- unless they asked me  
15 whether it would work or not in a crowded channel situation.  
16 The, the point that I was trying to make in this section was  
17 that it would require some, some relatively expensive  
18 modification of the processing going on in the terminal to  
19 accommodate something that would be better than just a normal  
20 race situation.

21 Q Finally, on page -- oh, no. Now, referring back to  
22 your oral testimony that you've had today, there was -- you  
23 speculated that perhaps the cause of the retransmissions was a  
24 third transmitter. I'd like to refer you to Capitol Exhibit  
25 20 which is behind Tab 23. And the first three pages of that

1 have been identified by Mr. Walker as being a printout of all  
2 licensees licensed for 152.480 in West Virginia. Looking at  
3 those three pages, do you see any possible candidate for the  
4 third transmitter?

5 A Looking at these three places, I would say that  
6 everyone listed could be a possible candidate. Now --

7 Q Well, of course, some of them are not very close to  
8 Charleston.

9 A No. I'm -- maybe I mislead you. This unit, this  
10 device that I'm talking about, would almost certainly be  
11 required to operate in or near Charleston, in fact, probably  
12 in the downtown area. And it's interesting to note that, that  
13 whatever was causing these transmissions, the second set of  
14 transmissions that were referred to in your Exhibit 16, didn't  
15 seem to affect the overall loading of the channel. In other  
16 words, they didn't really cause harmful interference in that  
17 -- except to the extent that they were being broadcast, but  
18 they went off and the timing seemed to be -- and I've checked  
19 this since -- during the break, that the timing seems to be  
20 such that they go down and RAM could come back up and transmit  
21 or whoever, or Capitol, and then go down again and it was just  
22 an up and down thing. It wasn't a continuous saga of  
23 transmissions.

24 Q Isn't it a possibility now that the date of that  
25 record of -- is subsequent to the July 30, 1992 warning letter



1 that RAM received from the FCC about interfering with  
2 Capitol's transmissions and, you know, perhaps, perhaps they'd  
3 stopped doing it way before then, but isn't it possible the  
4 reason that RAM was coming up and, you know, taking turns with  
5 the, the retransmissions from 152.510 merely that RAM's  
6 inhibitor was working properly?

7 A Oh, I just don't doubt --

8 Q No, RAM's inhibitor.

9 A But I was trying to get -- the point I was trying to  
10 make was that this interference device, whatever was creating  
11 these things, also had a channel monitor which was operating  
12 and functioning. It's the only reasonable explanation I could  
13 come up with.

14 JUDGE CHACHKIN: Which is what?

15 MR. PETERS: Which, which somebody devised this  
16 thing with a small personal computer and decoded the  
17 information on one channel, selected some stuff and shoved it  
18 out over 152.48, somebody, and I'm not associating it with any  
19 particular people.

20 BY MS. FOELAK:

21 Q Isn't it -- certainly you wouldn't endorse this as,  
22 you know, probable, but isn't it also possible that Capitol  
23 was doing this intentionally?

24 A Is it possible that they would do this? In my view,  
25 no.

1           Q     I understand -- do I understand your testimony to be  
2 that you don't dispute that Private Radio Bureau Exhibit 16  
3 and 17 show some incidents of the same type of pages being  
4 transmitted on 152.510 and 152.480? Is that correct?

5           A     Not at all.

6           Q     Could you clarify why you don't think it's possible  
7 it could be Capitol? You mentioned that you had trust in  
8 their good faith.

9           A     Well, in my view Capitol has a healthy respect for  
10 the FCC. They had been issued a Notice of Violation. They  
11 knew full well that, that they were under the spotlight, as it  
12 were, and that the Commission at any time could do anything in  
13 the way of monitoring and so on and so forth. It would  
14 incredible -- and, by the way, the Commission does their  
15 monitoring properly. There has never been in this entire  
16 testimony a link between any kind of interference except that  
17 which has been enumerated by these two inspectors. They  
18 properly went up to these transmitters. They verified that  
19 the transmitters themselves were the ones which were causing  
20 the particular transmissions, whether they were interfering or  
21 no, which most of the time they weren't, but no place else in  
22 this proceeding has anybody established a link between Capitol  
23 and illicit transmissions. They haven't said oh, yeah, we, we  
24 went up to this site and -- as the FCC inspectors did, and we  
25 verified that these transmissions that occurred at this time

1 were coming from that transmitter or that site or that  
2 antenna. They didn't even get a direction. So there's never  
3 been an -- in my view, an established link between Capitol and  
4 anything. That's the second reason. The first is fear. The  
5 second is nobody has ever showed me that anything has taken  
6 place.

7 Q With reference to the fear, you theorize that upon  
8 receipt of a Notice of Apparent Liability that Capitol would  
9 be extra cautious. Isn't it also possible that a licensee in  
10 that position would say well, the FCC has investigated us.  
11 They've given us this fine. Now they're going to turn their  
12 attention to something else, much like sometimes on the  
13 highway you see a red car pulled over by the State Police  
14 getting a ticket and then five minutes later they go by you  
15 like a bat out of Hell?

16 A That's, that's very interesting. That's a very  
17 interesting thought, but I could think of something else too  
18 and that something else could be RAM said ah, we've got them  
19 now. Let's just drive the nail in. I mean, that to me is  
20 equally likely.

21 Q Just to, just to clarify a little more about the  
22 FCC's oversight. Do you have any idea of how many hours it  
23 takes to drive from Baltimore to Charleston?

24 A Probably more than I'd be -- wanting to drive. No,  
25 I have no idea.

1 Q Just to put it on the record, can you monitor VHF  
2 transmissions in Baltimore that originate in Charleston?

3 A No, no, no. The Commission, the Commission would  
4 have to have people right in the area. In fact, they'd have  
5 to be very, very close to the transmitting sites, as they were  
6 when they were down there.

7 Q Okay. There's been discussion of intermodulation.  
8 Now, this is a separate theory or concept than the third  
9 transmitter theory, is it not, just to make sure --

10 A It has no relation to --

11 Q No relation to it.

12 A -- that interference at all. It relates to the  
13 early, early interference that everybody discussed that to my  
14 recollection was momentary and sort of disappeared and was  
15 never spoken of again.

16 Q Okay. I just want to -- okay. I just want to ask  
17 you one, you know, clarifying question about intermodulation.  
18 The transmitters that might be involved in intermodulation,  
19 the two transmitters, would both have to be on at the same  
20 time throughout the intermodulated reception? Would that be  
21 the case?

22 A Yes, during the creation of the intermodulation  
23 product. That's correct.

24 Q Okay.

25 A If there were two transmitters involved, I might --

1 let me qualify that really.

2 Q Oh, okay.

3 A Because it may not -- you know, there would have to  
4 be two transmitters involved and -- or two sources of RF  
5 radiation, but not necessarily two transmitters. One could be  
6 a transmitter. The other could be some other form of RF  
7 source.

8 Q Oh, okay.

9 A And --

10 Q But whatever the source was, they would both have to  
11 be transmitting at the same time while the effect was  
12 happening?

13 A Yes.

14 Q All right. You disgusted your -- discussed your  
15 expertise in testing and mentioned that it might be common  
16 with RCCs to test for long periods of time. Just to restate  
17 the obvious, an FCC has an -- an RCC has an exclusive  
18 frequency, does it not?

19 A Yes.

20 Q So you don't have to worry about anybody else  
21 wanting to use it during your testing?

22 A Generally that's true, yes.

23 Q You also testified that Capitol's PCP had a rather  
24 limited coverage area with the 100 watt transmitters and so  
25 on.

1           A     Yes.

2           Q     That would be another difference from an RCC with a  
3 number of sites. You wouldn't -- if you wanted to test the  
4 range you'd have to, you know, cover much less ground going  
5 around to see if it would reach to this spot or that spot?

6           A     There's -- okay. There's seems to be a number of  
7 questions relating to this subject and if you don't mind I'd  
8 like to revisit your previous question.

9           Q     Okay.

10          A     You asked if, if the protected zone of a transmitter  
11 would be tested by an RCC and would be free from interference  
12 so they wouldn't have to worry about anyone else on the, on  
13 the frequency and I -- I'm afraid I spoke too quickly on that.  
14 Most RCC operations nowadays are comprised of more than one  
15 transmitter so they have overlapping transmitters and any kind  
16 of extraordinary or extra testing that they might do could be  
17 disruptive to their own system.

18          Q     I see.

19          A     I'm not trying to skirt the issue. I'm just saying  
20 that, that in a sense an RC -- most RCC systems in this  
21 country are very much like the shared channel except that they  
22 do control all of the transmitters very tightly within their  
23 little area even though the entire area may be protected from  
24 outside interference.

25          Q     Okay. That's all I have. Thank you.

1 JUDGE CHACHKIN: Any redirect?

2 MR. HARDMAN: I do have a few questions, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. HARDMAN:

5 Q Picking up on the last line of questions, Mr.  
6 Peters, the situation whereby Capitol had more limited  
7 coverage from its PCP bay stations, if you're testing for  
8 exactly what your coverage is when you have more limited  
9 coverage like that would that require more or less testing  
10 than, than the norm?

11 A It depends on how, how much definition you want. If  
12 you, if you want, if you want pretty good accuracy, then you  
13 need to increase the number of tests that you do. If you're  
14 only interested in a general sense, then very few tests are  
15 required.

16 Q So you didn't mean to imply, I gather, that if you  
17 have more limited coverage from your PCP that does not  
18 translate necessarily into less need for testing to determine  
19 coverage?

20 A No, but because of the smaller area that you may,  
21 may not have not take as many tests in a smaller area as you  
22 would in a larger area.

23 Q Okay. You were also asked some questions about the  
24 intermod, intermodulation, on the PCP -- the intermodulation  
25 as a possible cause of the stereo effect and you were asked a

1 question about whether both transmitters would have to be on  
2 at the same time and what I want to clarify is if -- in the  
3 case of intermod in the -- with this stereo incident, would  
4 any transmission have had to be occurring on 152.48 megahertz?

5 A No, no. My assumption on the intermod is that there  
6 were no transmissions of either -- of any of the participants  
7 in this intermod creation that operated on 152.48. Is that  
8 what your question was?

9 A Yes. So where -- what two sources of RF radiation  
10 were you referring to?

11 Q Oh. It could be a number of things. Very strong  
12 contenders and frequent participants are broadcast stations.  
13 They're on the air all the time. Their high powered products  
14 mix in their, in their output circuits and create these types  
15 of problems. Without knowing the physical situation, I  
16 wouldn't know how to get any more specific.

17 Q From what you know, was 152.51 probably one source  
18 of, of the -- one of the transmitter sources?

19 A They were one of the -- they had to be one of the  
20 transmitter sources. That was a requirement. 152.51 was  
21 heard on 152.48 simultaneously.

22 Q All right. So it's the second source that you don't  
23 know what it was or what it might have been?

24 A I have no idea.

25 Q Okay. You were also asked about the -- Capitol's



1 sites for its RCC frequencies in the Charleston area. Do you  
2 have -- and you testified that you were familiar with the  
3 Nease Drive site where the PCP bay station for Charleston was.

4 A Yes.

5 Q Do you have an opinion as to whether the Nease Drive  
6 site was adequate for its bay station to cover the Charleston  
7 area?

8 A To cover the preponderance of the Charleston area.  
9 There would have been some suburban coverage that was  
10 inhibited, but the majority of Charleston would have good  
11 penetration and good paging coverage.

12 Q Okay. On the -- you were also asked some questions  
13 about the Exhibit CAP 20 which is the FCC data base identified  
14 by Mr. Walker.

15 A Yes.

16 Q And this was asked in connection with your, your  
17 theory on the retransmission phenomenon. And was it your  
18 testimony that the, that the -- this third transmitter, if  
19 there was such a transmitter, was that probably a licensed one  
20 or not?

21 A Oh, no. I think that the -- I think it was a  
22 deliberately created interference device and I -- it was very  
23 deliberate. I can't, I can't even postulate anything else.

24 Q Well, but my question was whether, whether it was  
25 likely a licensed transmitter or not.